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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
LUIS MAURICIO CASTENON,  
  
Defendant.

CASE NO. 1:22-CR-00309-ADA-DAM

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER

CURRENT DATE: February 8, 2023  
TIME: 1:00 p.m.  
COURT: Hon. Barbara A. McAuliffe

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and LUIS MAURICIO CASTENON, by and through defendant's counsel of record, E. MARSHALL HODGKINS, hereby stipulate as follows:

1. By previous order, this matter was set for status on February 8, 2023.
2. By this stipulation, defendant now moves to continue the status conference until April 26, 2023, and to exclude time between February 8, 2023, and April 26, 2023, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
3. While the parties anticipate that the case may resolve without a trial, this is not yet a certainty. If defendant ultimately does not enter a guilty plea and decides to proceed to trial, the parties agree and stipulate, and request that the Court find the following:
  - a) The government asserts the initial discovery in this matter has been provided to

1 counsel. The government is aware of its ongoing discovery obligations.

2 b) The government is amendable to providing a plea offer if defendant makes such a  
3 request.

4 c) Counsel for the defendant desires additional time to consult with his client, to  
5 review the current charges, to conduct investigation and research related to the charges, to review  
6 and/or copy discovery for this matter, to discuss potential resolutions with his client, to prepare  
7 pretrial motions, and to otherwise prepare for trial.

8 d) Counsel for defendant believes that failure to grant the above-requested  
9 continuance would deny them the reasonable time necessary for effective preparation, taking into  
10 account the exercise of due diligence.

11 e) The government does not object to the continuance.

12 f) Based on the above-stated findings, the ends of justice served by continuing the  
13 case as requested outweigh the interest of the public and the defendant in a trial within the  
14 original date prescribed by the Speedy Trial Act.

15 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
16 et seq., within which trial must commence, the time period of February 8, 2023 to April 26,  
17 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
18 T4], because it results from a continuance granted by the Court at defendant's request on the  
19 basis of the Court's finding that the ends of justice served by taking such action outweigh the  
20 best interest of the public and the defendant in a speedy trial.

21 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
22 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial

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4 must commence. IT IS SO STIPULATED.

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6 DATED: February 1, 2023

PHILLIP A. TALBERT  
United States Attorney

7  
8 By: /s/ Jessica A. Massey  
JESSICA A. MASSEY  
Assistant U.S. Attorney

9  
10 DATED: February 1, 2023

By: /s/ E. Marshall Hodgkins III  
E. MARSHALL HODGKINS III  
Attorney for Defendant  
LUIS MAURICIO CASTENON

11  
12 **ORDER**

13 IT IS SO ORDERED that the status conference is continued from February 8, 2023, to **April 26,**  
14 **2023, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe.** Time is excluded pursuant to 18  
15 U.S.C. § 3161(h)(7)(A), B(iv).

16 IT IS SO ORDERED.

17 Dated: February 1, 2023

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE